

Note to researchers:

In addition to this unclassified memcon for the meeting with the Bipartisan Congressional Leadership, Brent Scowcroft also created a classified Memorandum for the Record on this meeting. Although not yet declassified, the withdrawal sheet for the Memorandum for the Record can be found in the folder "Congressional (14)" in Box 3 of the collection National Security Adviser. Presidential Subject File.

WHM, 5/27/09

MEMORANDUM

Ed

THE WHITE HOUSE
WASHINGTON

UNCLASSIFIED

MEMORANDUM OF CONVERSATION

PARTICIPANTS: President Ford
Bipartisan Congressional Leadership
Dr. Henry A. Kissinger, Secretary of State and
Assistant to the President for National
Security Affairs
Dr. James R. Schlesinger, Secretary of Defense
Lt. General Brent Scowcroft, Deputy Assistant
to the President for National Security Affairs

DATE AND TIME: Wednesday, May 14, 1975
6:30 p. m.

PLACE: Cabinet Room

President: Let me thank you for coming at such short notice. I thought it important to fill you in on the chronology and tell you my decision. I do this to comply with the War Powers Act and in order to keep you abreast of developments.

[He went over the chronology of events:]

- When we were notified
- The NSC meetings
- The message sent to the Cambodians, given to the Chinese, who didn't accept it. I instructed our Liaison Office to deliver it to the Chinese Minister of Foreign Affairs.

On Tuesday morning [May 13] it appeared the crew was being moved to the island. At 10:30 p. m., Tuesday, we had an NSC meeting. I ordered interdiction. At 8:30 p. m., Tuesday, it looked like an attempt was being made to move the crew to the mainland.

During the night we destroyed three boats, damaged four, and one got to the mainland. Some of our craft received small-arms fire.

DECLASSIFIED

E.O. 12065, Sec. 3-204

NLF MR 80-11, doc. # 2

~~TOP SECRET - XGDS (S)~~

By DAD Date 3/5/81 CLASSIFIED BY: HENRY A. KISSINGER

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At 10:30 p. m. , there was another NSC. I directed the Marines to prepare to seize the island. Our B-52's were alerted.

At noon on Wednesday, we sent a message to the UN that Cambodia was responsible if they didn't release the ship and crew.

At 3:00 p. m. , we had another NSC. Here I directed the following. It is most important that you not reveal this.

- (1) Marines to land on the Holt and board the ship.
- (2) Marines to land on the island.
- (3) Aircraft from the Coral Sea to attack selected military targets at Kompong Som, where their Navy is, and at Ream, where there is an airfield.

These operations should begin everywhere simultaneously.

Kissinger: We published the note to the Secretary-General as the quickest way to get it delivered in Phnom Penh. We haven't heard anything from Cambodia since the beginning. We delivered it to the Chinese and the Cambodians, so we know it was received.

Schlesinger: On the boarding party is the crew, EOD, and interpreter. The island landing is simultaneous. It should be underway by 9:00.

Albert: Could Americans be on the boats that will be destroyed?

President: There is no way of knowing.

Byrd: Which way were they heading?

President: To the mainland. They ignored our warning.

Mansfield: Why are we going into the mainland of Asia again when we practically have the boat in our custody?

President: There are aircraft and boats in the area. The operation is designed to prevent these forces from interfering with our operations.

Mansfield: Is there any information that there are any Americans on the mainland?

President: Only that pilot report.

Mansfield: Where are the 39?



President: We are not sure where they are.

Byrd: Couldn't we have intercepted the boat some other way?

President: There were no surface ships there until today.

Byrd: Why did we move Marines to Thailand? Have the Thais protested?

President: It was the only way we could get the Marines in position. We don't plan to return them to Thailand.

O'Neill: Was it in international waters when it was seized? Did it have arms?

[Didn't hear answer]

Cederburg: Suppose we don't find the Americans? We can't let them take Americans off our ships and keep them.

Eastland: You're talking about an invasion of the mainland.

Cederburg: I'm saying it is not acceptable.

Eastland: That's an invasion. Hell, I'm for it.

McClellan: Are we just going into Koh Tang shooting?

President: We are going in to insure that none of these assets can be used.

McClellan: Do we have to fire before we know we have to?

President: If I were not to, I would be negligent.

McClellan: Can't we wait?

Eastland: No, we can't.

Albert: The charges on the Floor are that you have violated the law.

President: I have the right to protect American citizens.

Sparkman: Our Committee met and discussed this thing, then unanimously adopted this resolution: [Reads resolution]



Byrd: Did we give Cambodia a deadline?

Kissinger: No. We thought it not productive to give them that kind of warning so they could take counteraction.

Mansfield: I have to express my concern that we are once again invading by air the Asian mainland. We have plenty of force and I think it will not have a salubrious outcome.

Case: I am the author of the Church-Case Amendment. I disagree with Mike. The act wasn't designed to condone piracy but for other purposes. I think the actions were proper.

Byrd: Why were the leaders not consulted before the decision to strike the mainland? I'm for getting the ship back, but I think you should have given them a chance to urge caution.

President: That's a good question and I'll answer. It is my constitutional responsibility to command the forces and to protect Americans. It was my judgment, based on the advice of the JCS, that this was the prudent course of action. Had we put the Marines' lives in jeopardy by doing too little, I would have been negligent. It is better to do too much than too little.

Byrd: My only question is why didn't you at least give them a chance to express their reservation?

President: We have a separation of powers. The President is the Commander-in-Chief so long as he is within the law. I exercised my power under the law and I complied with the law. I would never forgive myself if the Marines had been attacked by 2400 Cambodians.



~~Have to move here after dinner to~~
~~bring in~~ ✓ P/ Report Leadership
14 May 75 (contempt)

I let me thank you for coming at such short
notice. I did not regret to put you in
on case change & tell you my decision.
I do this to help you/ your family out and in
order to keep you absent of danger.
(Knowledge)

- Antipol

- NSC

- Insights Commission

- PRC given note. Didn't accept. I instructed
on CO to deliver deliver to PRC MFA.

- Tues am ^{it} of plane was being moved to island
1030 Tues NSC only. I ordered instructions
& 30 pm Tues - looked into attempt at moving crew & maintenance

During night we destroyed 3 boats damaged
& 1 got to mainland. Some of our capt need
small down here.

1030 pm NSC. I directed: (1) Marines to prepare to
seize & ship (2) Marines from Chinan to prepare
to seize & island. B-52's alerted

300 pm Wed, NSC.

Work - ^{and} try to UK that Commission say if they
didn't release & ship & crew.

300 pm NSC. Here I directed following - keep
importance that you not reach this.

(1) Marines to land on Hobb & land & ship

(2) Marines land on island

(3) Airt from Coral Sea with attack & selected
with target on K. S. when ^{was to} ~~catch~~ and Rem

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E.O. 12065, Sec. 3.204

NSC 16/2/75, NR 80-11, 82-

By RAS Date 3/5/81



where that is airfield. Ops should begin supply
simultaneously.

K We published a note to the Secy Com as quietest way
to get it cleared in P.P. Haven't heard anything
from Cambodia since beginning. We delivered it
to PRC & Cambodia, so we know it recd.

Schles On landing party is crew, ESB, interpreters.
Island landing simultaneous. Should be under
way by 8:00.

Albert Could arms be on boats destroyed

P No way of knowing

Byrd Which way were they heading?

P To mainland. They required fuel & warning.

Massfield Why are we going into a wooded area again
when we practically have a boat in our custody

P There are a lot of boats in area. Ops
is charged & prevent those forces from intercepting
w/ our ops.

Massfield Any info that any arms on mainland.

P Only that first report.

Massfield Where are the Ig

P We not sure where they are.

Byrd Did we couldn't we have intercepted the boats some
other way

P In surface ships there had to be

Byrd Why were we unable to Thair. Haven't had protection

P Only way we could get Thair in position. We
don't plan to return them to Thair.

O'Neill Was it in mid water when seized? Did it



have answers?

(Didn't have answers)

Beckley Suppose we don't find a Amos? We can't let
them take Amos off our shelves & keep them

Eastland You talking about an invasion of mainland
Pellachey I'm saying it is not acceptable.

Eastland. That's an invasion. Hell, I'm for it.

McEllen Are we just going into K. S. shooting?

P We are going in to insure that none of these assets
can be used

McEllen Do we have to fire before we know we have it?

P Not to, I would be negligent

McEllen to exist we wait

Eastland As we can't.

West Changes are there that you have mandated a law

P I have right to protect our citizens.

Speaker One critic that endorsed this thing, then unanimously
adopted this resolution: (reads)

Byrd Did we give a resolution a deadline?

K No, we did it not pertinent to give them that
kind of warning to take counteraction

Winnfield I have to express my concern that we are once
again invading by air a main island. We
have plenty of force and I think it would
not have substantial interest

Pace I author of Church-Case. I designed w/
Mike, Trent was not designed to include
penalty but for other purposes. I think a
action will happen.



Byrd Why were leaders not informed ~~confronted~~ before a decision to strike a movement. In forgetting a ship back, but I think you should have given them a chance to urge caution

P Good question + I'll answer. It is my ~~constituted~~ ~~sup.~~ to make a ~~press~~ and to protect ~~them~~. It was my judgment, based on a review of T.S., that this was a prudent course of action. Had we put a ~~warrior~~ ~~line~~ in jeopardy by doing too little I would have been negligent. It better to do too little than too much.

Byrd The only question is why didn't you at least give them a chance to ~~express~~ their reservation

P We have separation of powers. It is in the law. I am not a lawyer. I am a ~~president~~ ~~pres~~ under the law + I complied w/ the law. I would not regret my self if a ~~warrior~~ had been attacked by 2400 ~~Communists~~.

